

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KANDACE KAY EDWARDS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

DAVID COFIELD, in his official capacity as
Randolph County Sheriff,

CHRISTOPHER MAY, in his official capacity as
Circuit Clerk,

JILL PUCKETT, in her official capacity as
Magistrate of the Randolph County District
Court, and

CLAY TINNEY, in his official capacity as the
District Court Judge of the Randolph County
District Court,

Defendants.

Case No. 3:17-cv-321-WKW-SRW

Class Action

**PLAINTIFF’S REPLY TO DEFENDANTS’ RESPONSES TO
MOTION FOR TEMPORARY RESTRAINING ORDER AND
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Edwards, through undersigned counsel, writes in reply to Defendants Clay Tinney’s, Christopher May’s, and Jill Puckett’s “Response to Plaintiff’s Motion for Preliminary Injunction” (Doc. No. 22) and Defendant Cofield’s “Response to Plaintiff’s Motion for Temporary Restraining Order” (Doc. No. 24) to clarify Plaintiff’s position, as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. Plaintiff was arrested on May 17, 2017, for allegedly fraudulently endorsing a \$75 check, and a secured bond amount was set for her at \$7,500 pursuant to the bond schedule used by the Randolph County Sheriff David Cofield.

2. Plaintiff filed this case on May 18, 2017, at 11:40 a.m. (Doc. No. 1.)

3. Plaintiff was released sometime in the afternoon of May 18, 2017, after the bonding company Grover Poole Bail Bonding Company signed surety papers with the Randolph County District Court to cover the \$7,500 bond.

4. Neither Plaintiff nor anyone at Plaintiff's request contacted Grover Poole Bail Bonding Company.

5. Upon information and belief, the Randolph County Sheriff's Office arranged for Grover Poole Bail Bonding Company to post Ms. Edwards's bond after Plaintiff filed this case.

6. After being released, Plaintiff was told by the bond agent, Mr. Blu Sledge, that she would need to pay him \$750 for the bond, and that she would need to check in with him regularly.

7. Plaintiff told Mr. Sledge that she could not afford to pay \$750.

8. The Court granted Plaintiff's Motion for a Temporary Restraining Order, related to Ms. Edwards only, shortly after 6:00 p.m. on May 18, 2017. (Order, Doc No. 9.) The Court also set a hearing for May 26, 2017, at 1:00 p.m., to "determine whether to convert this temporary restraining order into a preliminary injunction, so long as it is still necessary." (*Id.* at 4.)

9. Plaintiff's Counsel did not learn from Ms. Edwards or Defendants that she had been released until after the TRO had entered.

10. On May 25, 2017, Plaintiff's bond was converted to a signature bond. (Doc. No. 22-1.)

11. Ms. Edwards is not currently in custody.

PLAINTIFF'S POSITION ON THE TRO AND REQUEST FOR PRELIMINARY INJUNCTION

12. Plaintiff agrees that it is not necessary to extend the TRO into a preliminary injunction order at this time, in light of her now being released on a signature bond.

13. Plaintiff takes no position on whether the telephonic hearing set for May 26, 2017, at 1:00 p.m. should be cancelled, but does not oppose cancelling that hearing.

14. Plaintiff submits that her Motion for Class Certification (Doc. No. 5) and Motion for a Preliminary Injunction on behalf of the Proposed Class (Doc. No. 3) are not moot, even though Ms. Edwards is no longer being detained. If the Court were to certify the class and grant the preliminary injunction motion, relief would extend to the class of individuals Ms. Edwards seeks to represent, and therefore this controversy has not been resolved by the release of Ms. Edwards from custody. *See Gerstein v. Pugh*, 420 U.S. 103, 110 n.11 (1975) (finding claims inherently transitory because pretrial custody "may be ended at any time by release on recognizance, dismissal of the charges, or a guilty plea, as well as by acquittal or conviction after trial").

15. By contrast, Ms. Edwards's request for a Temporary Restraining Order was limited to Ms. Edwards only.

16. Plaintiff respectfully requests that the Court set a briefing schedule and hearing date on her Motion for Class Certification (Doc. No. 5) and Motion for a Preliminary Injunction (Doc. No. 3).

Dated: May 25, 2017

Respectfully submitted,

/s/ Samuel Brooke

Samuel Brooke

On behalf of Attorneys for Plaintiff

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[‡] *Admission pending*

**Admission pro hac vice pending*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing was filed through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record, including:

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on this May 25, 2017.

/s/ Samuel Brooke

Samuel Brooke